

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

**F033641      People v. Slyter**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F031885      Hargrave v. Albertson's Inc., et al.**

**F031780      Hargrave v. Superior Court, Kern County; Albertson's Inc., et al.**

The petition for writ of mandate is denied as untimely. The appeal from the order granting summary adjudication in favor of respondent, Albertson's Inc., is dismissed. The summary judgment entered in favor of respondent, Dave Rumley, is reversed insofar as it precludes a cause of action for retaliation and the matter is remanded to the trial court for further proceedings in accordance with this opinion. The parties shall bear their own costs on appeal. Levy, J.

We concur: Dibiaso, Acting P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F032226      People v. Lozano**

The judgment is modified by ordering the two-year enhancement stayed under section 654. The court shall prepare an amended abstract of judgment reflecting this modification, and forward it to the appropriate authorities. In all other respects, the judgment is affirmed. Wiseman, J.

We concur: Thaxter, Acting P.J.; Harris, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

**F037189      Darnall v. Mitchell**

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 10(c), California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F035225      In re Steven B., a Minor**

The portion of the dispositional order designating the adjudicated offense as one within section 707, subdivision (b), is set aside, and the juvenile court is directed to prepare an amended minute order clearly indicating the offense is not within section 707, subdivision (b). As so modified, the judgment is affirmed.

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By the Court.

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**F036763      Ebert v. Hunt**

No brief having been filed by appellant after notice duly given under rule 17(a) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F034015      People v. Herrick**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034166      People v. Carr**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F033033      People v. Taylor, Jr.**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035803      Conner v. Madera County Superior Court; Guaglianone etc.**

The order to show cause is discharged. Let a peremptory writ of mandate issue directing the superior court to (a) set aside and vacate its order of April 18, 2000, denying the motion to abate the dismissal of the action for dissolution of marriage and (b) enter a different order abating and dismissing the action for marital dissolution. Harris, J.

We concur: Ardaiz, P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F037210      In re Josie C., a Minor**

Having received no response from appellant to this court's briefing order dated December 22, 2000, we hereby deem the appeal abandoned and order it dismissed.

IN THE

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Fifth Appellate District

**F036014      In re Haley M. et al., Minors**

The orders terminating parental rights are affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035024      People v. Hake**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F036276      In re David A. et al, Minors**

No brief or request for extension of time having been filed within the time provided, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F034557      People v. Quezada, Jr.**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F035126      In re Desi C., a Minor**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034988      People v. Jordan**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F034874      People v. Cyr**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F033629      People v. Johnson et al.**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F033015      People v. Rodriguez**

The judgment of conviction and sentence as to count III (Health & Saf. Code, 11377, subd. (a)) is reversed. The sentences imposed on count II (Health & Saf. Code, 11378) and count IV (Health & Saf. Code, 11350), subd. (a)) are each ordered stayed pursuant to the provisions of Penal Code section 654. In all other respects the judgment is affirmed. The trial court shall prepare an amended abstract of judgment and forward a certified copy thereof to all appropriate authorities. Harris, J.

We concur: Ardaiz, P.J. ; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034770      People v. Perkins**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F033646      People v. Medrano**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F033516      People v. Smithson**

The order adjudging appellant a sexually violent predator is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034916      People v. Foster**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F035256      People v. Rayo**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F035956      In re Kevin K., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.